



Department of Permitting Services

Division of Casework Management

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850

CODE INTERPRETATION/POLICY

Code/Year 2004	Section of Code 59-B-2.1	Title of Code Section/Subsection/Policy Exemptions from yard Requirements - Fences
Statement/Background of Issue Walls or fences that are six feet six inches or less in height are exempt from setback and building requirements. What standards apply to fences or walls that exceed this exempted height limit?		
Division Interpretation/Policy Any wall or fence that is six feet six inches or less in height as measured from the lowest level of the ground immediately under the fence is exempt from setbacks and may be placed up to the lot line. A wall or fence that is greater in height than the referenced limit is not afforded this exemption except for deer fencing eight feet or less in height that is located in the rear or side yard of a one family residential zone. If the wall or fence exceeds six feet six inches, it is considered to be an accessory structure. As such, it is subject to the required setbacks and height limitations for accessory buildings or structures specific to the zoning classification of the lot or parcel. Further, this non-exempt structure must be located in the rear yard only.		
Interpretation/Policy No. ZP0928-2	Date 10/1/04	Division Chief Reginald T. Jetter
Interpretation/Policy No.	Date 10/1/04	Assistant County Attorney Malcolm F. Spicer
Interpretation/Policy No.	Date 10/5/04	Director Robert C. Hubbard